



MEETING RESULTS- ZIONSVILLE BOARD OF ZONING APPEALS FEBRUARY 12, 2019

The meeting of the Zionsville Board of Zoning Appeals occurred Tuesday, February 12, 2019 at 6:30 p.m. in the Zionsville Town Hall Council Chamber, 1100 West Oak Street, Zionsville, Indiana.

The following items were scheduled for consideration:

I. Continued Business

Docket Number	Name	Address of Project	Item to be considered
2018-46-DSV	R. Pabst	8090 E 550 South	Continued from January 8, 2019 to February 12, 2019 Meeting, Continued by Petitioner from February 12 to the March 12, 2019 Meeting Petition for Development Standards Variance in order to permit the establishment of a 1.83 acre lot. (Minimum lot size is 2 acres) in the Low-Density Single-Family Residential Zoning District (R1).

II. New Business

Docket Number	Name	Address of Project	Item to be considered
2019-01-DSV	Hoosier Village Guard House	5300 W 96th Street	Approved with Commitments as presented & filed w/exhibits & per staff report – 5 in Favor, 0 Opposed Petition for Development Standards Variance to provide for a guardhouse at the new entrance into Hoosier Village's campus without an attachment to public sewer facilities. Location: Zionsville Road & Nuttall Oak Road in the Special Use Zoning District (SU-7).

III. Other Matters to be considered:

Docket Number	Name	Address of Project	Item to be considered
2017-11-DSV	Fischer Homes	Ansley Park	Status of Amended Plat
2018-19-DSV	Wildwood Designs	2720 S 875 East	Status of Commitments
2018-34-SE	Zionsville Underground	91 S Main Street	Status of Commitments/Plan of Operation
2018-39-UV	Wheat Holdings LLC	10890 Bennett Parkway	Status of Commitments
2018-40-DSV	Wheat Holdings LLC	10890 Bennett Parkway	Status of Commitments

2018-31-SE & 2018-32-DSV	A. Safa	6925 E SR 32 (Estimated)	Status of Right to Farm & Commitments
2018-41-DSV	D. Miller	8370 E 300 South	Status of Commitments
2018-45-DSV	B. Bobbitt	465 W Poplar Street	Status of Alley Vacation

Respectfully Submitted:

Wayne DeLong AICP

Town of Zionsville

Director of Planning and Economic Development



Petition Number: 2019-01-DSV

Subject Site Address: 5300 W 96th Street

Project Address: 10001 Zionsville Road (approximate address)

Petitioner: BHI Senior Living

Representative: Tim Ochs

Request: Petition for Development Standards Variance to provide for a guardhouse at the new entrance into Hoosier Village's campus:
1) without an attachment to public sewer facilities
Location: Zionsville Road & Nuttall Oak Road in the Special Use Zoning District (SU-7).

Current Zoning: Urban Special Use Zoning District (SU-7)

Current Land Use: Senior Living Community Campus

Approximate Acreage: 27.5 acres

Zoning History: 2016-39-Z
2016-40-DP
2018-37-Z
2019-06-DPA (pending)

Exhibits: Exhibit 1- Staff Report
Exhibit 2 - Aerial Location Map
Exhibit 3 – Petitioners Site Plan
Exhibit 4 – Petitioners Exhibits
Exhibit 5 - Petitioner's proposed Findings of Fact

Staff Presenter: Wayne DeLong, AICP, CPM

PETITION HISTORY

This Petition will receive a public hearing at the Feb 12, 2019, Board of Zoning Appeals meeting. A Petition for Development Plan Approval is also scheduled to be heard at the Feb 19, 2019, Plan Commission meeting (2019-06-DPA).

PROPERTY HISTORY

This property is comprised of approximately 27.5 acres, and is presently improved with a service drive serving the Hoosier Village Senior Living Community. In 2016 the property just east of the proposed entrance was rezoned to support the continued expansion of the senior housing campus.

ANALYSIS

The Petitioner has intentions to construct a new entry to the Hoosier Village Senior Living Community which will include a guardhouse. The necessity for the variance arises as the Petitioner seeks consideration of approval to provide wastewater disposal via a septic system in lieu of extending public sanitary sewer services to the proposed guardhouse. The remainder of the development is served by public sanitary sewer services.

Staff recognizes the challenges which have been encountered related to the extension of the sanitary sewer utility to the site, and that septic systems are utilized along portions of Zionsville Road. Installation of sanitary sewer is challenged by the existing topography, the distance from current sanitary sewer infrastructure, and the limited flow generated from the proposed guard house (fixtures are contemplated to only include a restroom as well as a sink associated with a beverage station). Further, the guardhouse, in essence, is an accessory to the primary use of the overall site – a senior living community.

Given these characteristics, and the limited plumbing fixture count, Staff is supportive of the request to deviate from the requirement to attach to public sanitary sewer services. In the event that the guard house intensifies to a) require continuous 24 hour lodging accommodations in conjunction with the guardhouse activities, b) becomes occupied as or is used as a residence in conjunction with guardhouse activities, or c) contains more than five (5) plumbing fixtures that generate wastewater, Staff would suggest that the attachment to public sanitary sewer infrastructure be required. Additionally, the variance to deviate from the sanitary sewer service requirement should be limited to the use of the structure as a guardhouse as illustrated in the exhibits to this Report. Therefore, Staff would additionally recommend that the conversion of the structure to another use should cause any granted variance to be void (as to allow the Board of Zoning Appeals the opportunity to consider the intensity of that future conversion in the event that the use does not cause a connection to the sanitary sewer to be facilitated).

PROCEDURAL – VARIANCE TO DEVIATE FROM STANDARDS

The Board of Zoning Appeals shall hear, and approve or deny, all variances from development standards of the Zionsville Zoning Ordinance. A variance from development standards may be approved only upon written determination that:

- (a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*
- (c) the strict application of the terms of the zoning ordinance will result in an unnecessary hardship in the use of the property:*

Proposed Findings of Fact are attached for the Board of Zoning Appeal's consideration.

STAFF RECOMMENDATIONS

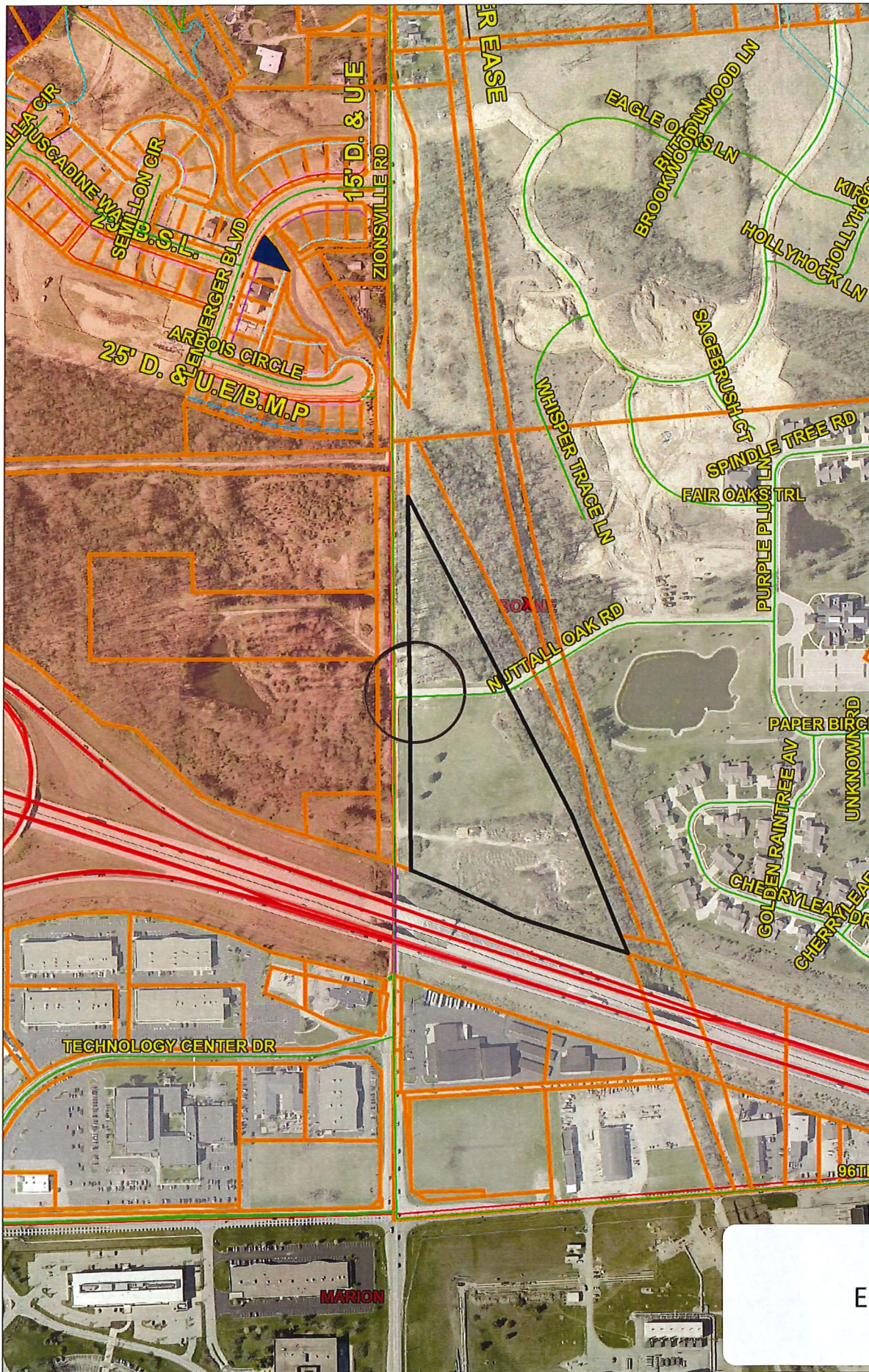
Staff recommends approval of the design standards variance included in Docket # 2019-01-DSV to provide for a guardhouse at the new entrance into Hoosier Village's campus without an attachment to public sewer facilities, while prohibiting the residential occupancy of the structure, restricting any future increase on plumbing fixture count to more than a total of five (5) within the structure, and that variance limit the potential to occupy and/or convert the structure by right to any use other than described in this report (when not utilizing public sewer facilities).

RECOMMENDATION MOTION

I move that Docket #2019-01-DSV design standards variance in the Urban Special Use Zoning District (SU-7) for the property located at Zionsville Road & Nuttall Oak Road, to provide for a guardhouse at the new entrance into Hoosier Village's campus without an attachment to public sewer facilities, be (Approved as filed, based upon the finalized Findings of Fact, approved as recommended by Staff, based on upon the finalized Findings of Fact, / Denied / Continued) as presented.

PROCEDURAL NOTES

Prior to commencing with construction, a Development Plan associated with this request will be required to be heard and approved by the Plan Commission (currently docket #2019-06-DPA is scheduled to be heard at the Feb 19, 2019, Plan Commission meeting).



Regional Roads
 Highway:
 — No
 — Yes

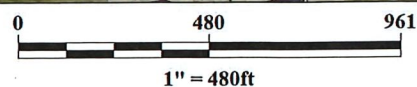
Zionsville Corporate Li
 Feature Name:
 Zionsville Rural Serv
 Zionsville Town Serv

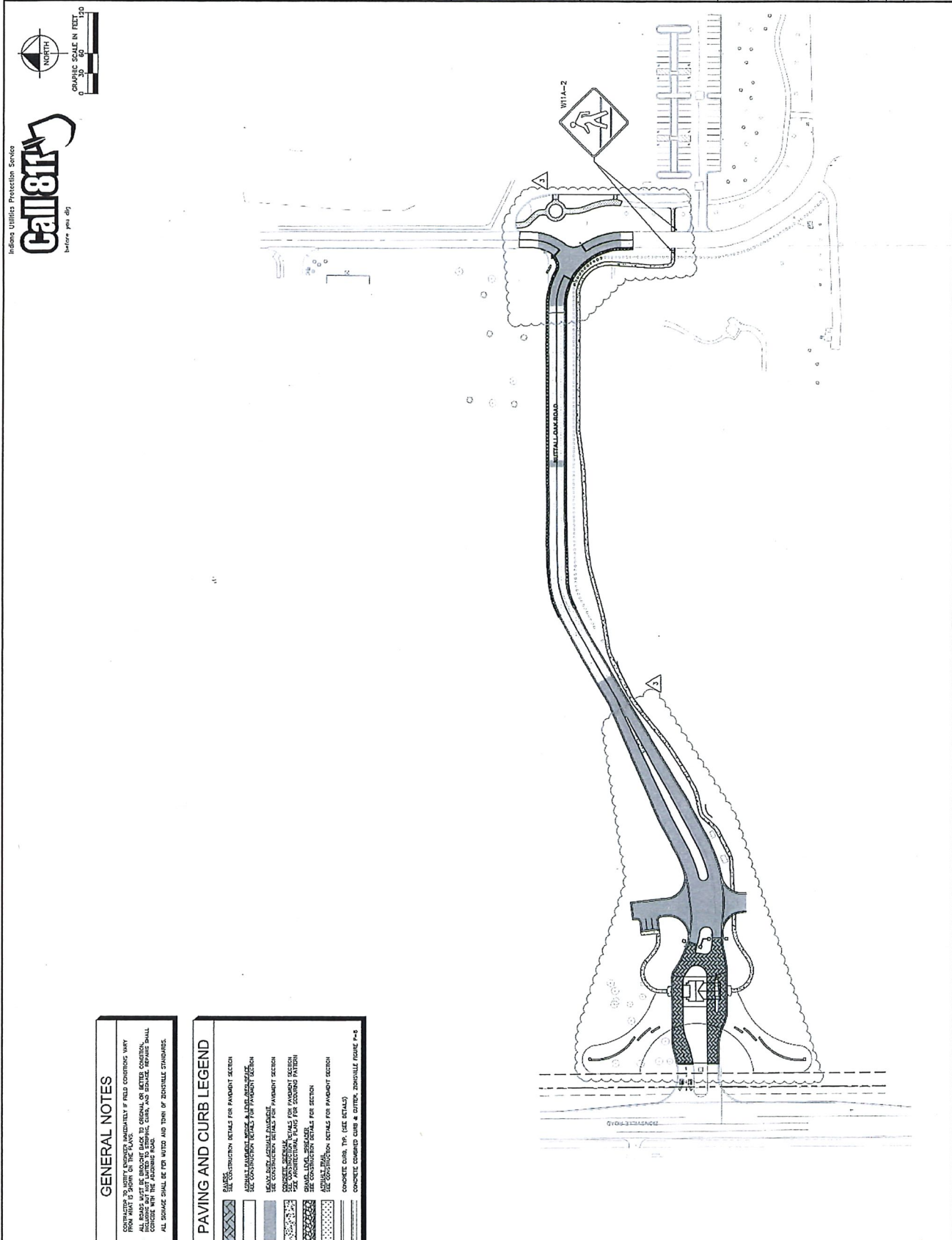
Flood Hazard BC 2013
 FLD_ZONE:
 AE
 X

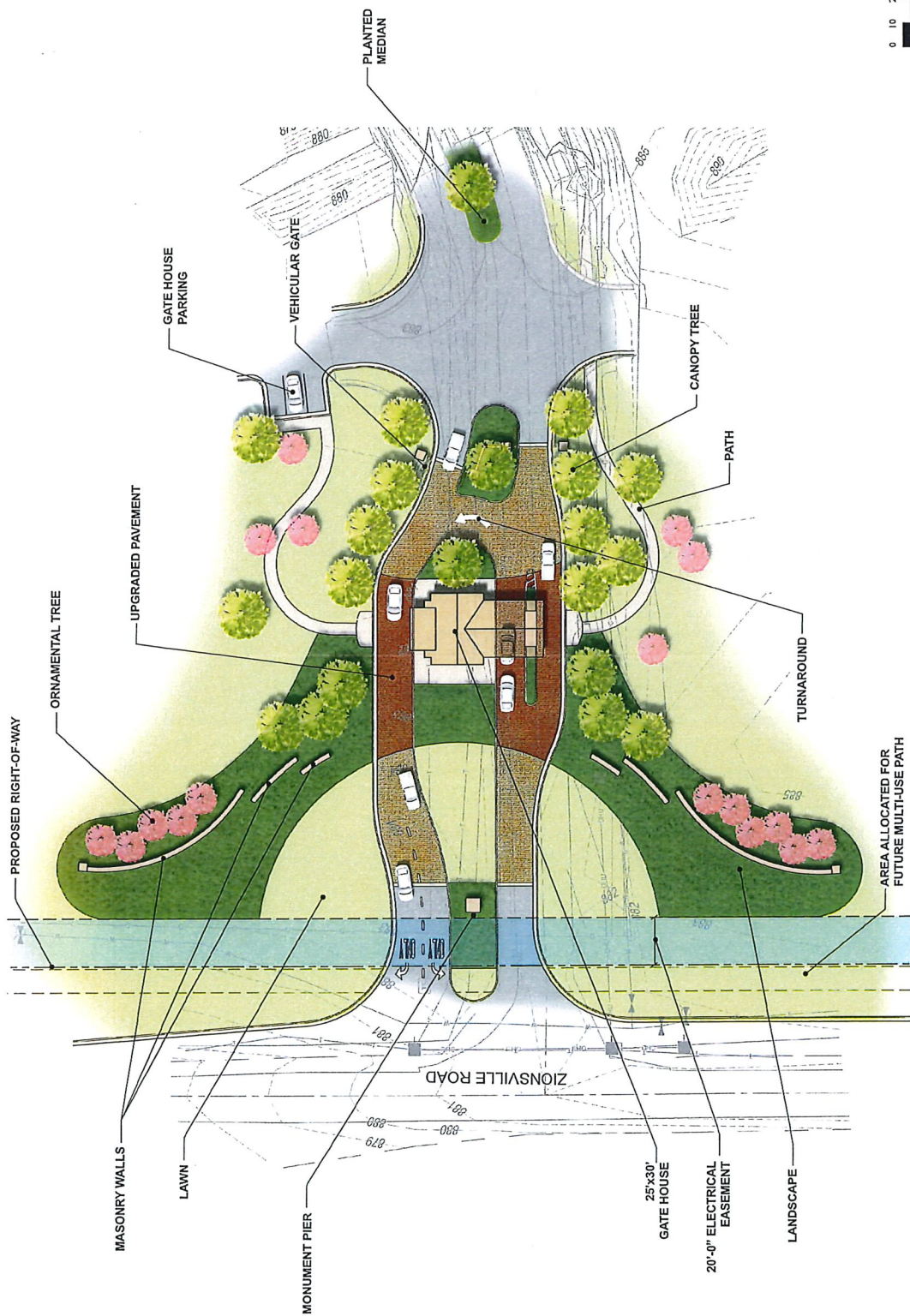
Regional Counties
 Parcels
 Easements

Regional Count
 Easements
 Urban District R
 Roads
 Highways
 PH02CADExp

Exhibit 2







HOOSIER VILLAGE ENTRANCE | ZIONSVILLE, IN

OCTOBER 23RD, 2018



Kimley»Horn



OVERALL ENTRANCE



STREET-LEVEL PERSPECTIVE



OVERALL ENTRANCE LOOKING SOUTHEAST



OVERALL ENTRANCE LOOKING NORTHEAST



HOOSIER VILLAGE ENTRANCE | ZIONSVILLE, IN
OCTOBER 23RD, 2018



Kimley»Horn

Petition No.: 2019-01-DSV
HOOPER VILLAGE GUARDHOUSE

**TOWN OF ZIONSVILLE BOARD OF ZONING APPEALS
BOONE COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant (**will / will not**) be injurious to the public health, safety, morals, and general welfare of the community because:
the variance will be limited to the guardhouse, containing a single sink and a single toilet, which will be served by a private septic system. The public health, safety, morals and general welfare will not be adversely affected by this variance. The guardhouse will generate very little effluent and all permits necessary for a private septic system will be obtained.
2. The use or value of the area adjacent to the property included in the variance (**will / will not**) be affected in a substantially adverse manner because:
the variance will be limited to the guardhouse and its immediate surrounding area which is owned by the Petitioner. Properties on the west side of Zionsville Road which are not owned by the Petitioner will not be affected in an adverse manner. The private septic system, once installed, will not generate any noise or odor, and is designed so that it will not result in the discharge of any hazardous or noxious substances onto any surrounding property.
3. Strict application of the terms of the zoning ordinance (**will / will not**) result in unnecessary hardships in the use of the property because:
the development standards would require that public sanitary sewer services be extended to the guardhouse with no other structures nearby which would require or utilize the sewer line. Currently no sewer line is located within close proximity to the proposed guardhouse.

DECISION

It is therefore the decision of this body that this VARIANCE petition is APPROVED/DENIED.

Adopted this _____ day of _____, 20____.

Zionsville Board of Zoning Appeals
February 12, 2019

In Attendance: Greg Morical, Larry Jones, Julia Evinger, Steve Mundy, John Wolff.

Staff attending: Wayne DeLong
A quorum is present.

Wolff Good evening, and welcome to the February 12, 2019 Board of Zoning Appeals.
The first item on our agenda is the Pledge of Allegiance.

All Pledge.

Wolff The next item on our agenda is attendance.

DeLong Mr. Morical?

Morical Present.

DeLong Mr. Jones?

Jones Present.

DeLong Mr. Wolff?

Wolff Present.

DeLong Ms. Evinger?

Evinger Present.

DeLong Mr. Mundy?

Mundy Present.

Wolff The next item on our agenda is the approval of the January 8, 2019 meeting
minutes. You should have received that information in your packet any
discussion amongst the group?

Morical I'll make a motion to approve the January 8, 2019 meeting minutes.

Wolff Thank you. Is there a second?

Evinger Second.

Wolff All those in favor, please say aye.

All Aye.

Wolff Those opposed.

[No response.]

Wolff Motion carries. Next item on our agenda is continuance requests, of which I believe we do have one, and that is Docket # 2108-46-DSV, 48090 East 55 South, and as I understand it, the petitioner filed in time, in a timely manner, so there is nothing to do with that, and we will continue that onto our next meeting. Any other continuance requests? Moving on to continued business, seeing none. Let's move on to new business, which is Docket # 2019-01-DSV for 5300 West 96th Street. Would the petitioner please come forward and state your name and address for the record?

Ochs Chairperson, members of the Board, for the record, my name is Tim Ochs. I am an attorney at Ice Miller with offices at One American Square, Suite 2900, Indianapolis, Indiana 46282-0200. I am here this evening on behalf of BHI Senior Living, Inc. which is the owner and operator of Hoosier Village Continuing Care retirement community. This is a request for a variance of development standards to allow a new improvement to be served by septic as opposed to sanitary sewer. We do not make this request lightly, and we would not ordinarily even ask for it, but for really one, the difficulty in actually extending sanitary sewer to this particular improvement and, as important, I think, is the nature of the improvement being proposed. That is a guard house. The guard house, or guard shack, however you want to describe it, which will be part of the brand new main entrance for all of Hoosier Village, which is going to be reoriented toward Zionsville Road, as opposed to its current entrance on 96th Street, which BHI is very excited about, and which is also the subject of a development plan that will be heard by the Plan Commission later this month. A couple things about this. One, it will be used only as a guard house and nothing else. And, it is located far enough away from any other improvements, part of Hoosier Village that should it be manned, and should the person manning the guard house have the need to use the restroom, it would be a very difficult thing. So, the intent is to provide for a bathroom, that would have one toilet and one sink, and then also a very simple sink, that would be, for instance, to run a coffee machine. And, that would be the only plumbing connections that would be made, and because of the issues associated with, I mean, the cost to extend sewer to this location would be more than the construction cost of the guard house as a whole.

So, given the nature of the use and the circumstances surrounding it, we are asking for this. I have a booklet that you should have. Tab 3 reflects a number of drawings, most of which, quite frankly, were done for purposes of a development plan that showed a new entrance. If you look at the second page of Tab 3, which is labeled Road Plan and Profile, you will see a square located just north of the main entrance road that will improved. It is currently just an emergency access road. You'll see where the proposed septic field will be located, and if you turn that to page 3, you'll see a color rendering of what this is going to ultimately look like along Zionsville Road. Franky, we, you know, again, this is part of the development plan, but we think the timing of this is great with the improvements that the Town is making to Zionsville Road, how this looks is really going to fit in with the rest of the upgrade along Zionsville Road. So, BHI is excited to be part of that. And, then finally the third rendering shows a couple different elevations in terms of the overall plan.

We are in agreement with the staff report. We thank staff for their efforts with respect to this project. And, we would agree that the conditions listed in the staff

analysis, that if in the event the guard house intensifies to require 24-hour lodging accommodations in conjunctions with the guard house activities, becomes occupied as, or is used as a residence in conjunction with guard house activities or contains more than 5 plumbing fixtures that generate wastewater, that we would have to either come back before you, or connect to public sanitary sewer facilities. I will go one further and indicate as an additional commitment that no other structure will be permitted to attach to the this particular septic field without the approval of the BZA as well. We want it really limited to just a guard house and nothing else. So, with that, I'd be happy to answer any questions that the Board might have.

Wolff Thank you, Mr. Ochs, and thank you for acknowledging the conditions that the staff has prepared. I think those are really just to protect both parties involved and make sure that we are all on the same page. So, thank you. Questions for the petitioner?

Morical So, Mr. Ochs, the 96th Street entrance will become an emergency-style entrance?

Ochs Emergency suggests that the only people using it will be emergency vehicles. At least initially it's not going to be restricted in any way, but the intent on a going forward basis is once these improvement are made, that is going to be what BHI and all of its residents consider the front door. It's a substantial upgrade over 96th Street, number one. Number two, honestly, BHI has always been a little bit concerned with the large tank farm that is located on the south side of 96th Street, and if anything ever happened at that tank farm, access to Hoosier Village might be put at jeopardy if that, for a while it was the only entrance. So, we prefer it to be on Zionsville Road. We, BHI views itself as being part of the Town of Zionsville, and putting the entrance on Zionsville Road, I think, ties it a little more closely to Zionsville than Indianapolis to the south. So, we're looking forward to getting this work done.

Morical And, where is the nearest sanitary sewer? I know you talked about the cost being significantly - -

Ochs --The nearest sanitary sewer would actually be all the way inside Hoosier Village. It's well over 1000-feet run just to get here.

Jones There is no public sewer coming down Zionsville Road?

Ochs There is, but it's not this far south for, is it Vonterra?

Jones Yes.

Morical It's on the west side.

Ochs The sanitary sewer comes down, and then turns into Vonterra, but it's even further north when it turns into Vonterra, than it would be to go back into our project, and connect to sanitary sewer there. So, it's more than 1000 feet away, even further.

Jones Then, just to clarify, so you'll be keeping the access off of 96th?

- Ochs Yes, we will for now, and then as people become more oriented toward using Zionsville Road and that main entrance, and after, we also want to get through the construction process on Zionsville Road, as well. But once that is all done, and people become oriented, I think BHI is then going to evaluate whether or not they want to make changes on 96th Street to start restricting traffic there. But, we need to get through the construction of this, and then the completion of the improvements on Zionsville Road that the Town is doing.
- Jones Yes. Just from the picture, it does not look like it would be, the guard house, is particularly suitable for large trucks to maneuver around it.
- Ochs Yes. One of the comments that we received through TAC, that's really part of the development plan approval, was that very thing, and we have applied a software for truck turning radius to make sure that they can go through these turns, and they can.
- Jones I was thinking more just clearance, but, once again, there is no really elevations of the guard house, per se.
- Ochs I suspect that may be a topic of discussion at the development plan.
- Evinger With the guard house, are you going to have running, for the water source, are you going to have a well, or is that going to be city water?
- Ochs I don't know, to be honest with you. I certainly can find that out, but, well, I take that back. I'm almost certain it's water, and the reason I say that is I was standing here thinking I remember when we did the Oaks project, this is actually served by Citizen's Water. They forced us, they forced BHI to loop their water, so there is actually water running in a loop, so it actually runs along Zionsville Road. So, I'm almost positive they will connect into that.
- Wolff Any other questions for the petitioner? Thank you. Are there any remonstrators here tonight? Seeing none, Wayne, can we have the staff report?
- DeLong Certainly, as staff is supportive of the petition based upon the comments in the staff report. It is also staff's understanding that the project will be served by the water source and not a well. There would be other complications if the service were to be from a well source. But, again, with the commitment, or the commitment as articulated by the petitioner, it sounds like the conditions as outlined in the staff report will be incorporated into a forthcoming commitment document. So, if that is the case, probably look to set a date, maybe 60 or 90 days, from the granting of the Plan Commission approval just to allow enough time to allow all this to be wrapped up, and I certainly would also anticipate if there are any specific items that come out of the Plan Commission that that would allow those two documents to be incorporated and serve as one instrument to be recorded, if that is to be the case.
- Wolff So, does that seem reasonable?
- DeLong Yes.

- Wolff And, does 60 or 90 days seem appropriate?
- Ochs I say 60. I have a draft already done.
- Wolff Perfect. Thank you. Any other comments from the group?
- Jones Just to confirm, one of the site plans does show the water line on Zionsville Road. So, there is municipal water down there.
- Wolff Perfect. With no additional discussion I would entertain a motion.
- Morical I'll make a motion. I move that Docket # 2019-01-DSV, design standards variance in the urban special use zoning district as U7 for the property located at Zionsville Road and Nuttall Oak Road to provide for a guard house at the new entrance into Hoosier Village's campus without an attachment to public sewer facilities be approved based upon the findings of fact, finalized findings of fact, and the commitments made tonight, which include the following: in the event that the guard house intensifies to require continuous 24-hour lodging accommodations in conjunction with the guard house activities, or b) becomes occupied as, or is used as a residence in conjunction with the guard house activities, or c) continues with more than five plumbing fixtures that generate wastewater, the petitioner will cause the facility to be connected, either come back to us for another variance or cause it to be connected to sanitary sewer, and in addition, that the petitioner commit that no other structures will be attached to the septic field without BZA approval.
- Wolff Thank you. Is there a second?
- Jones Second.
- Wolff All those in favor, please say aye.
- All Aye.
- Wolff Those opposed?
- [No response.]
- Wolff Motion carries.
- Ochs Thank you very much.
- Wolff Thank you, Mr. Ochs. Next item on our agenda is state of business and other items to be considered. Wayne, do you have any updates for us?
- DeLong I can tell you that the Villanueva commitments did come in today, come into the office today. I have not had a chance to look at those. I do not have an update on any specific items other than the last item listed there, that alley vacation process has started. The second hearing is the third Tuesday of this month with the Town Council, which I believe is February 19 at 7:30 in the morning.

Wolff Thank you, Wayne. And, I believe before we recess for the Purdue game, I would like to take a moment to thank Mr. Morical for his service to our Community and to the Board of Zoning Appeals specifically. You have been a tremendous asset to us. So, thank you very much.

Morical Thank you, Mr. Wolff. I have really enjoyed it.

Wolff With that, that concludes our meeting. Thank you.